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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,142	12/12/2001	Robert Seseck	10012627-1	1691
7590 12/12/2007 HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			EXAMINER PLUCINSKI, JAMISUE A	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED
DEC 12 2007
GROUP 3600

Application Number: 10/022,142
Filing Date: December 12, 2001
Appellant(s): SESEK ET AL.

Jack H. McKinney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 13, 2007 appealing from the Office action mailed April 16, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 11-14, 16, 18-25, 28-31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Sansone et al. (5,072,401).

3. With respect to Claims 1 and 18: Sansone discloses a method (and means) for feed forward mail load notification in a mass mail operation (see abstract) comprising the steps:

a. Monitoring an actual mail production characteristic (Column 3, lines 48-67, all information about each piece of mail at each mailer site is collected, therefore the examiner considers this to be a form of monitoring, Column 10, lines 1-12 discloses monitoring the actual mail that is being produced as well as the printer making hard copies as well as address, which the examiner considers to be a mail characteristic, as well as discloses the mail output has a counter for actual mail pieces, Column 8, lines 9-11);

b. Producing and transmitting a mail load forecast corresponding to the actual mail production characteristic (see abstract, Column 3, lines 48-67, In Column 9, lines 46-47 Sansone discloses the information transmitted on the batches concerns mail that will

shortly be generated, as well as discloses the information used in the printing of the mail pieces in column 10, lines 1-12, is used for mail load data for batch mailing and merge mailing, which the examiner considers to be used for the forecast of mail, due to the fact that the mail has yet to be delivered to carrier at this point);

- c. Notifying the carrier of the mail load in order for the post office to plan accordingly (Column 3, lines 48-67 and Column 12, lines 23-47). Sansone discloses continuously notifying the carrier of the load forecast, therefore notifies the carrier when there is a variance and when there is not a variance. It should be noted that the claimed limitation “if said monitoring step indicates a variance in the mail production characteristic” is claims as an “if” step, and if there is no variance, then this step would not be performed.
4. With respect to Claims 2 and 19: Sansone discloses a two-way communication with the Post office, so that the mailers can time their production to ensure rapid processing by the postal service (Column 3, lines 48-67).
5. With respect to Claims 3 and 20: See Sansone, Column 4, lines 53-56, Column 14, lines 27-56.
6. With respect to Claims 4 and 21: Column 3, lines 48-67.
7. With respect to Claims 5 and 22: Sansone discloses the monitoring parameters of each batch of mail that has been generated, therefore the examiner considers this to be a form of mail production history (Column 3, lines 30-47).

8. With respect to Claims 6 and 23: Sansone discloses monitoring the mail that is available for pick-up, which the examiner considers to be on hand, and therefore inventory (Column 11, lines 12-25).
9. With respect to Claims 7 and 24: Column 6, lines 1-15.
10. With respect to Claims 8 and 25: Sansone discloses the monitoring of mail is for what is currently needed to be mailed, therefore the examiner considers this to be monitoring the present mail production rate (Column 9, lines 33-47).
11. With respect to Claims 11 and 28: See Sansone Column 14, lines 27-35 and Column 15, lines 11-20.
12. With respect to Claims 12-14 and 29-31: See Column 10, lines 20-27.
13. With respect to Claims 16 and 33: See Column 5, lines 41-67.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Appellant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 9, 10, 15, 17, 26, 27, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone.

17. With respect to Claims 9, 10, 26 and 27: Sansone, discloses the data center providing a mail load forecast, however, fails to disclose the forecast be based on daily production or updated periodically (the examiner considers the fact that if the forecast is a daily production forecast, then it is updated daily, and hence periodically). The examiner takes official notice that it is old and well known in the art to deliver mailings on a once daily basis to the post office. This is done when the post office delivers mail, or picks up mail from a mailbox, it is done once a day. Therefore, it would have been obvious to one having ordinary skill in the art, when preparing a forecast of batch mail that is will be delivered to the post office, it is based on a daily rate, in order to eliminate multiple trips to the post office, and to increase efficiency on the mailers.

18. With respect to Claims 15, 17, 32 and 34: Sansone discloses the notification is sent using a high speed telecommunications network, however fails to disclose the notification being sent over the internet or telephonically. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the notification be sent over the internet or telephonically because Appellant has not disclosed that either of these methods of notification provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Appellant's invention to perform equally well with either the notification being sent over a high-speed

communications network, the internet or telephonically. Therefore, it would have been an obvious matter of design choice to modify Sansone, to obtain the invention as specified in claims 15, 17, 32 and 34.

(10) Response to Argument

With respect to Appellant's argument A. Ground for Rejection A - Claims 1-8, 11-14, 16, 18-25, 28-31 and 33 under 35 USC 102 as being anticipated by Sansone 5,072,401: Appellant is arguing that the numbers generated by Sansone are not a forecast, but represent actual numbers. And states that the recited forecast corresponds to predicted numbers, and not actual numbers. As stated by the examiner in the last office action and as acknowledged by the appellant, Sansone discloses in Column 9, that information that is transmitted can be for mail which "will shortly be generated, but has not yet been delivered". This information corresponds to mail which has not been generated as well as not been delivered. Therefore, until the mail is printed and delivered, then they are not actual numbers, and therefore the examiner considers them to be forecasts. The word forecast (as defined by the Merriam-Webster Online dictionary), can mean a prediction of future happening, but can also mean an indication of something that is likely to occur. The information in Sansone is what the user expects to produce and deliver, but has not done it yet, it is something that is predicted to happen. Due to the fact that the mail has not in fact been printed, it is not an "actual" number, but an "expected" number, which the examiner considers to be a forecast.

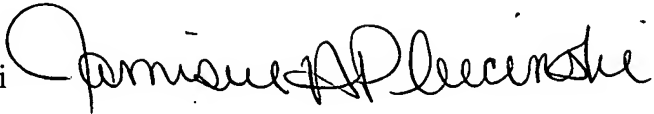
With respect to Appellant's argument B. Grounds for Rejection B- Claims 9, 10, 15, 17, 26, 27, 34 and 34 stand under 35 USC 103 as being unpatentable over Sansone: The appellant has stated that these claims are patentable for the same reasons as mentioned above. As mentioned above, the examiner considers Sansone to teach the use of a forecast, therefore arguments are not considered to be persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jamisue Plucinski 

Conferees:

John Weiss 

Jonathan Ouellette 